



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,713	06/25/2003	Bruce Wallman	CHA920030008US1	3455
23550 7590 08/07/2008 HOFFMAN WARNICK LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207				
EXAMINER CARDENAS NAVIA, JAIME F				
ART UNIT 3623		PAPER NUMBER		
NOTIFICATION DATE 08/07/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hwdpatents.com

Office Action Summary

Application No.

10/603,713

Applicant(s)

WALLMAN, BRUCE

Examiner

Jaime Cardenas-Navia

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-9, 12-16, and 19-21 is/are pending in the application.
4a) Of the above claim(s) 3, 4, 10, 11, 17 and 18 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 5-9, 12-16 and 19-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This **FINAL** office action is in response to communications received on April 16, 2008. Claims 1, 2, 5, 8, 9, 12, 15, 16, and 19-21 have been amended. Claims 3, 4, 10, 11, 17, and 18 have been cancelled. Claims 1, 2, 5-9, 12-16, and 19-21 are pending.

Response to Amendment

2. Applicant's amendments to the claims are **sufficient to overcome the objections to the claims** as set forth in the previous office action.
3. A **new rejection under 35 U.S.C. § 112, first paragraph**, has been necessitated by amendment.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 1, 2, 5-9, 12-16, and 19-21 are rejected** under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 1, 8, and 15, "a splitting algorithm" that determines how time is to be allocated among multiple people performing the same role constitutes new matter. There is not sufficient disclosure to satisfy the written description requirement, as "a splitting algorithm" is mentioned in the specification only in passing. For purposes of examination, Examiner has interpreted "a splitting algorithm" as any means that allocates time among multiple people performing the same role.

Response to Arguments

6. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claims 1, 8, and 15, that (1) neither Hertel-Szabadi nor Bansal teach selecting a split of the role based on time among multiple people when multiple people are selected for the same role, that (2) neither Hertel-Szabadi nor Bansal teach a splitting algorithm that determines how time is to be allocated among multiple people performing the same role, and that (3) all dependent claims are allowable as a result.

Regarding argument (1), Examiner respectfully disagrees. Examiner cites Bansal, par. 58, lines 8-11, which clearly state, "data may be allowed to span multiple cells in the same column (e.g. if two or more field service personnel are needed or recommended for a particular activity)." This clearly teaches multiple people being selected for the same role. Looking at Figure 2, roles are assigned in a timeline, and so selecting a split of the role based on time is clearly taught.

Regarding argument (2), Examiner respectfully disagrees. Examiner cites Bansal, par. 67, which states, "Each list box 234, when activated, may be designed to list the available selections or to display a window enabling multiple selections." Looking at 234 in Fig. 2, it includes an employee selection drop-down list (234b), from which multiple employees may be selected. Combined with the teaching in par. 58 and 68 of allocating time among multiple people performing the same role as shown in Figure 2 (described above in the response regarding argument (1)), Bansal clearly teaches a splitting algorithm for allocating time among multiple people performing the same role.

Art Unit: 3623

Regarding argument (3), Examiner respectfully disagrees. Dependent claims are not allowable as per the response to arguments (1) and (2) above.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 2, 5-9, 12-16, and 19-21 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Hertel-Szabadi (US 2003/0236692) in view of Bansal et al. (US 2007/0219842 A1).

Regarding claims 1, 8, and 15, Hertel-Szabadi teaches a system, method, and computer readable medium for:

assigning human resources to tasks in a project plan (par. 7, lines 1-3 state “A project workforce management system defines project tasks, project positions, and assigns personnel to the project positions”), comprising:

a database of people, wherein each person (resource) in the database includes an associated set of role capabilities (project positions) (claim 1, lines 6-8 state “generating a list of matching resources by comparing the requirements of the one or more project positions with a resource database.”);

a plan analysis system that analyzes the project plan and determines all of the roles required for the project plan (par. 18, lines 1-4 state “Proceeding to block 220, the requirements and tasks of the project 105 may be structured as project tasks 110 and the positions (roles) have to be estimated and structured as project positions 115.” Also, see Fig. 2, which shows the project position creation step.);

a matching system which, for each role, identifies a subset of people from the database who are capable of fulfilling the role (par. 20, lines 7-8 state “The engine may use filter functions to determine the available resources 120 to match with the project positions 115.” Also, see Fig. 3, which shows the filtering of eligible resources (people));

a selection system which, for each role, selects at least one person from the subset of people to fulfill the role (par. 23, lines 1-4 state “Proceeding to block 320, the program manager may now select a resource 120 from all the available resources. Because the filters were used, only qualified, available resources are shown.” Also see Fig. 3, which shows the resource selection step.); and

an allocation system that assigns people to a list of tasks for the project plan, wherein each task specifies at least one role, and each role specifies the at least one person selected to fulfill the role (par. 25, lines 2-5 state “the program manager may now assign a resource 120 to a project position 115. When a resource 120 that occupies a project position 115 is further assigned to a project task 110, this assignment is called deployment,” and par. 19, lines 5-8 state “The correlation describes what project position (role) 115 is responsible to work on a project task 110. It is possible to correlate one project position 115 to several project tasks 110”).

Hertel-Szabadi does not teach wherein the selection system selects a split of the role based on time among people when multiple people are selected for the same role; and

a splitting algorithm that determines how time is to be allocated among multiple people performing the same role.

Bansal teaches wherein the selection system selects a split of the role based on time among people when multiple people are selected for the same role (fig. 2, par. 58, 68); and

a splitting algorithm that determines how time is to be allocated among multiple people performing the same role (fig. 2, par. 58, 67, 68).

The inventions of Hertel-Szabadi and Bansal pertain to allocating qualified workers to work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a function that was not addressed. The claimed invention is merely a combination of old and well-known elements, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the increased flexibility of being able to split roles among multiple people.

Regarding claims 2 and 9, Hertel-Szabadi teaches a system and method wherein:

the selection system comprises a graphical user interface that allows a planner to select the at least one person (par. 28, lines 1-2 state “These process 200 can be accomplished by a consulting manager or by a (potential) project manager using software on a computer.” These process 200 includes the selection of at least one person to fill the role. It is inherent that the selection system would comprise a graphical user interface.).

Regarding claims 5, 12, and 19, Hertel-Szabadi does not teach a system, method, and computer readable medium wherein by default, the roles are split equally among the multiple people selected to fulfill the single role.

Bansal teaches a system and method wherein by default, the activities are split equally among the multiple people selected to fulfill the single activity (because personnel are first

chosen to fulfill an activity and then the activity is scheduled into the calendar, by default, personnel assigned to an activity split it equally based on time. par. 55, lines 7-10 state “The dispatcher may employ the Assignment Manager to make a cost-effective decision to assign and schedule the selected activity”).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings of Hertel-Szabadi with the teachings of Bansal, motivated by the advantage of saving time by not always having to designate the manner in which the activity is split between personnel.

Regarding claims 6 and 13, Hertel-Szabadi teaches a system and method wherein:

the matching system identifies the subset of people based on the role capabilities of the people in the database (par. 21, lines 1-7 state “Proceeding to block 310, the engine may further filter the resources by matching qualifications. ... The engine may compare the resource qualifications to the project position 115 requirements.”).

Regarding claims 7 and 14, the Hertel-Szabadi teaches a system and method wherein:

each person in the database further includes an associated set of attributes selected from the group consisting of: geographic location and division within an organization (par. 20, lines 9-13 state “In block 305, the engine filters the resources 120 according to their assignment to

organizational units (e.g. to search only in certain departments). Thus, a program manager may choose to search the entire organization for a resource 120, or may limit the search to one or more departments.” Thus, it is inherent that division within an organization information is associated with each person in the database.).

Regarding claim 16, Hertel-Szabadi teaches that the resources comprise human resources (Abstract, lines 5-8 state “each project position may be assigned to a specific person...”).

Regarding claim 20, Hertel-Szabadi does not teach wherein by default the amount of time split for each role among the multiple people is determined based on an input from a planner.

Bansal teaches a graphical user interface in which all activities are assigned and scheduled by an assignment manager (planner), including the time-based splitting of an activity among multiple personnel (Fig. 2, par. 67, 68).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the increased managerial oversight.

Regarding claim 21, Hertel-Szabadi does not teach wherein the selecting means comprises a graphical user interface.

Bansal teaches a graphical user interface in which personnel are selected for an activity (Fig. 2).

The inventions of Hertel-Szabadi and Bansal pertain to matching qualified workers with work. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, as Bansal does not teach away from or contradict Hertel-Szabadi, but rather, teaches a step that was not addressed. Additionally, the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to combine the teachings, motivated by the advantage in ease of use provided by employing a graphical user interface.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Thur, 9:30AM - 8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 22, 2008

/J. C./
Examiner, Art Unit 3623

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623